

Notice of Allowability	Applicati n N .	Applicant(s)	
	10/804,748	GUTIERREZ, GILLES	
	Examin r	Art Unit	
	Deborah K. Ware	1651	

-- The MAILING DATE of this communicati n appears on the cover sheet with th corresp ndence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/14/06.
2. ☒ The allowed claim(s) is/are 14-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>5/26/06</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE TITLE

(examiner's amendment)

changed the title to – METHOD FOR DETERMINING CALCITROPIC
ACTIVITY OF A PREPARATION OF *PADINA PAVONIC* ALGAE – .

Authorization for this examiner's amendment was given in a telephone interview with Charles Muserlian on May 26, 2006.

The application has been amended as follows:

IN THE ABSTRACT OF THE TECHNICAL CONTENT OF THE INVENTION

(examiner's amendment)

cancel abstract and insert --

A method of determining calcitropic activity of a preparation of algae of the genus *Padina pavonica*. The algae preparation may be in the form of a powder or an extract. The method consists of culturing human or animal osteoblasts in a culture medium containing calcium ions in a well plate. The preparation is added thereto and non-fixed calcium ions are eliminated in the culture medium. Further, the culture medium is acidified to destroy an extracellular matrix formed by the osteoblasts in the culture medium. Thereafter, filtering of the culture medium is carried out and then a

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concentration of fixed calcium ions in the osteoblasts is determined and compared with a calibration scale of a known activator of the fixation of calcium or in the presence of an inhibitor of the fixation of calcium or both.

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IN THE SPECIFICATION

(examiner's amendment)

at page 1, line 18 and at page 5, line 7

change "surnatants" to --supernatants-- ,

at page 1, line 20

change "surnatant" to --supernatant-- .

IN THE CLAIMS

Claim 14 (examiner's amendment)

cancel from "A" in line 1 to "both" in the last line and insert -- .

A method of determining the calciotropic activity of a preparation of algae of the genus *Padina pavonica*, said preparation selected from the group consisting of an extract of said algae and a powder of said algae , said method consisting of culturing human or animal osteoblasts in a culture medium rich in calcium ions in a well plate, adding to said culture medium said extract or a powder of said algae *Padina pavonica* and culturing between 24 to 72 hours, thereafter eliminating non-fixed calcium ions in the culture medium, acidifying the culture medium to destroy extracellular matrix formed by the osteoblasts, thereafter filtering the culture medium to remove solid material, and

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determining concentration of fixed calcium ions in the osteoblasts in comparison with a calibration scale of a known activator of the fixation of calcium or in the presence of an inhibitor of the fixation of calcium or both.

-- .

Claim 15 (examiner's amendment) The method of claim 14, wherein ~~the~~ results of ~~the~~ calculation of calciotropic activity are expressed in comparison with ~~the~~ results obtained with a determined amount of an active compound known to promote calcium uptake by the osteoblasts.

Claim 16 (examiner's amendment) The method of claim 14, wherein ~~the~~ results of ~~the~~ calculation of calciotropic activity are expressed comparatively to the known effects of a determined amount of estradiol.

Claim 17 (examiner's amendment) The method of claim 14, wherein the osteoblasts ~~cells are a~~ in suspension of human or animal osseous cells having a cell density as determined by turbidimetry or by cell density calculation based on a reference value.

Claim 18 (examiner's amendment) The method of claim 14, wherein the culturing further comprises adding complete culture medium; and ~~then~~ a deleterious agent inhibiting the fixing of calcium, ~~are added to each well~~ of said well plate; thereafter a set volume of dispersion of said extract or powder of algae to be tested, is added to the medium in said well plate, and the medium is ~~let to incubate~~ incubated at 37°C in an atmosphere of carbon dioxide for one to three days.

Claim 19 (examiner's amendment) cancel the claim .

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Claim 21 (examiner's amendment) The A- method of claim 14, wherein the inhibitor of the fixing of the calcium is a pro-inflammatory agent.

Claim 22 (examiner's amendment) The A- method of claim 21, wherein the 14, in ~~which the inhibitor of the fixing of the calcium is a pro-inflammatory agent is such as~~ interleukin IL-1.

Claim 23 (examiner's amendment) The A- method of claim 14, wherein the inhibitor of the fixing of the calcium is an agent which blocks the calcium channels.

Claim 24 (examiner's amendment) The method of claim 14, in which the inhibitor of the fixing of the calcium ~~in the bone cells~~ is an agent which blocks the calcium channels selected from the group consisting of Verapamil and Cinchonine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah K. Ware whose telephone number is 571-272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Deborah K. Ware
May 26, 2006



DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT ~~165~~ 1651